

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Environmental Health Coalition,
and Mercado Apartments Tenants
Association,

Complainants,

v.

County of San Diego Board of Supervisors
acting as the San Diego Air Pollution
Control Board, and the San Diego County
Air Pollution Control District,

Respondents.

2R-96-R9

COMPLAINT UNDER
TITLE VI OF THE
CIVIL RIGHTS ACT
OF 1964, 42 U.S.C.
§ 2000d
40 C.F.R. Part 7

Introduction

This is a complaint under Title VI of the Civil Rights Act of 1964 by two grassroots community groups, the Environmental Health Coalition ("EHC") and the Mercado Apartments Tenants Association ("Mercado") (collectively "Complainants"), challenging the recent approval of a San Diego County Air Pollution Control District ("APCD") Rule which will have a discriminatory effect on the Barrio Logan and Logan Heights communities of San Diego.

The APCD Rule at issue, Rule 1210, was adopted on June 12, 1996 by the San Diego County Board of Supervisors, in its capacity as the San Diego Air Pollution Control Board ("Board"). Rule 1210 will thwart state mandated public notification of the potential health risks from emissions of industrial air toxics in San Diego County. Moreover, Rule 1210 will not require the level of risk reduction necessary to protect Barrio Logan and Logan Heights residents



from the cumulative impacts of industrial air toxics in their neighborhoods.

Because the vast majority of these health risks are caused by industries located in or adjacent to the Barrio Logan and Logan Heights communities, implementation of Rule 1210 will have a discriminatory effect on the health, safety, welfare, and right-to-know of the members and staff of Complainants, and the ability of these persons and the residents of Barrio Logan and Logan Heights generally, to make informed decisions about their health and local environment.

I. THE BARRIO LOGAN AND LOGAN HEIGHTS COMMUNITIES

The Barrio Logan community of San Diego covers approximately 1,000 acres and is located south of Downtown San Diego, along the banks of San Diego Bay.¹ Logan Heights is located adjacent to Barrio Logan, to the northeast. Throughout the development of San Diego, these communities have been home to a growing percentage of people of color. This is due, in part, to racial restrictions in housing and real estate which limited the areas in which people of color could live.²

This area became a center of the city's African-American population between 1920 and 1926.³ It is estimated that, by 1940, over fifteen percent of the entire Latino population in the

¹ Barrio Logan/Harbor 101 Community Plan, City of San Diego (1978) at 4.

² See, e.g., "Golden Hill Seeks to Oust Negroes," San Diego Union-Tribune, December 12, 1944. "The complaint alleged that restrictions under which the area was sold prohibit its use and occupancy by any but Caucasians, and that 'non-Caucasians have available for use and occupancy a large area for expansion easterly, southerly, and westerly.'"

³ The Journal of San Diego History, "Logan Heights: Growth and Change in the Old 'East End'", pp 28-40. What is now known as Barrio Logan was formerly considered part of Logan Heights.

City of San Diego had come to live in this area.⁴ According to the 1990 census, approximately ninety-five percent (95%) of the Barrio Logan and Logan Heights population is comprised of people of color. Further, roughly 52% of the families in this area live below the poverty line.

Barrio Logan and Logan Heights have historically been the main dumping ground for San Diego's toxics and heavy industries, seemingly due to the racial and socio-economic makeup of its residents. After the 1920's, this area was envisioned as the city's industrial zone, even though many areas were substantially residential in character.⁵ During the 1930's, manufacturing zones were established in the area, and heavy industries were allowed to locate next to homes, schools, and other sensitive land uses. In the 1960's a large interstate freeway was constructed, severing Barrio Logan from neighboring Logan Heights.

For many reasons, the residents of these communities did not abandon their cultural roots in this community, despite this onslaught of industrial development. According to the 1978 Barrio Logan Community Plan, "it was assumed that following these actions, [Barrio Logan] would eventually be totally redeveloped privately with industrial enterprises. Due to complicated, and little understood, economic, physical, and social considerations, the residents in this [area] did not move, but remained anchored to the Barrio."⁶

This development has taken a heavy economic toll on the community. Many residents were promised that industrial development would bring a wealth of jobs to the community. However, it seems that most of these jobs are now filled by persons who do not reside in this

⁴ Id. at 37.

⁵ Id. at 38.

⁶ Barrio Logan/Harbor 101 Community Plan, City of San Diego (1978) at 9.

community. Moreover, "residential displacement by industry has resulted in the further erosion of residential land values in the [Barrio Logan] area. The noise, odors, traffic, and associated problems have also hurt the community image of [the area]."⁷

During the last decade, limited efforts have been made by the City of San Diego to revitalize this area, and establish land use zones which would in the future prevent the current mix of heavy industrial, residential, and commercial uses from reoccurring. However, in many areas, homes, schools, day care facilities, hospitals, and playgrounds are still located unacceptably close to industries using large quantities of hazardous materials. Every year, 127 companies in this community produce 23 million pounds of chemical waste- nearly a fifth of the total for all of San Diego County. Nearly 3.4 million pounds of hazardous materials are stored in this community, and due to small lot sizes, are often within inches or feet of the nearest home. No other community in San Diego County bears such a disproportionate share of San Diego's toxics burden.

II. THE CALIFORNIA AIR TOXICS "HOT SPOTS" INFORMATION AND ASSESSMENT ACT OF 1987

The California Air Toxics "Hot Spots" Act⁸ ("Hot Spots Program") was adopted by the California Legislature in 1987 in an attempt to gather data regarding the potential health risks of industrial emissions of air toxics, and to ensure wide dissemination of that data. The California Environmental Protection Agency ("CalEPA") recently listed the Hot Spots program as one of

⁷ The Journal of San Diego History, "Logan Heights: Growth and Change in the Old 'East End'", at 38.

⁸ Cal. Health and Safety Code § 44300 et. seq.

California's environmental statutes which supports environmental justice.⁹ CalEPA found that the "Hot Spots program provides [the] greatest benefits to lower income neighborhoods."¹⁰ Given their demographic makeup and land use patterns, the Barrio Logan and Logan Heights communities clearly stand to benefit more than any other San Diego community from effective implementation of the Hot Spots Program.

The Hot Spots Program has several components. First, companies whose facilities manufacture, use or release any of the substances listed as "air toxics" by the program, are required to submit Emissions Inventory Reports, which estimate emission levels of air toxics from the subject facility.¹¹ Facilities are then prioritized according to their emissions. High-priority facilities are required to prepare Health Risk Assessments ("HRAs").¹² In San Diego County, these high-priority companies were required to complete HRAs based on Emissions Inventory Reports with 1989 emission levels.

According to the Hot Spots program, HRAs are required to be submitted to the local APCD for preliminary approval, after which they are reviewed by the California Office of Environmental Health Hazard Assessment (OEHHA).¹³ After OEHHA review, HRAs are returned to the local APCD for final approval.¹⁴

⁹ "Cal/EPA Close-up: Environmental Justice Supported by Environmental Statutes and Policies," 5 California EPA Report, No.4 at 8.

¹⁰ Id.

¹¹ Cal. Health & Safety Code §§ 44320, 44321, and 44340.

¹² Id. at § 44360.

¹³ Id. at § 44361.

¹⁴ Id. at § 44362(a).

It is the subsequent requirements of this program that are at issue in this complaint.

Section 44362 of the California Health and Safety Code provides that:

Upon approval of the health risk assessment [HRA], the operator of the facility shall provide notice to all exposed persons regarding the results of the [HRA] prepared pursuant to Section 44361 if, in the judgment of the district, the [HRA] indicates there is a significant health risk associated with emissions from the facility.... Any notice made shall be in accordance with procedures specified by the district.¹⁵

The plain language of this statute is clear- all exposed persons must be notified of significant risks identified in the HRAs. In compliance with the California Air Pollution Control Officers Association (CAPCOA) Guidelines, which state that direct mail notice is the most effective, Rule 1210 provides for notice by direct mail.

As a supplement to the initial program, the California Legislature in 1992 adopted the Toxic Air Contaminant Risk Reduction Audit and Plan section of this program.¹⁶ This provision requires that facilities showing a significant risk must develop a toxic risk reduction audit and complete a plan to reduce their risks below levels of significance within five years.

III. RESULTS OF THE INITIAL HEALTH RISK ASSESSMENTS IN SAN DIEGO COUNTY

The initial HRAs in San Diego County were completed in 1991, and were based on 1989 emissions data. They were approved by the San Diego APCD and the California Office of Environmental Health Hazard Assessment between 1993 and 1995.¹⁷ The results of the HRAs

¹⁵ Cal. Health and Safety Code § 44362(b).

¹⁶ Cal. Health and Safety Code § 44390 et. seq.

¹⁷ See Exhibit A, attached hereto.

were alarming. Twenty-nine (29) facilities were shown to pose cancer risks of over ten in one million. Eight (8) facilities were shown to have cancer risks of over 100 in a million, while three (3) were found to pose cancer risks of over 1000 in a million.¹⁸ Further, twenty (20) facilities were shown to have acute, non-cancer health hazard indices of greater than 1.0. Nine (9) facilities were found to have chronic, non-cancer health hazard indices of greater than 1.0.¹⁹ Hazard indices greater than 1 indicate an exposure above acceptable levels. The highest risks indicated were 6900 cancers per million, an acute health hazard index of 260, and a chronic health hazard index of 7.7.

Moreover, of the cancer risks identified in the HRAs, the vast majority were caused by industries in or neighboring the Barrio Logan and Logan Heights communities. Of the ten facilities with the highest cancer risks, seven were located in or within close proximity to Barrio Logan and Logan Heights. Of the total potential excess cancers posed by all of the high-priority industries which completed HRAs in this round, 85% were being caused by these seven facilities.²⁰

¹⁸ The San Diego APCD has decided that companies posing a risk over ten cancers in one million should notify the exposed public. However, see infra section IV for a detailed discussion of a gaping exception to this requirement.

¹⁹ The health hazard index is a ratio calculated by dividing the acceptable exposure level of a chemical by the projected exposure level.

²⁰ 1994 Annual Toxics Hot Spots Annual Report, San Diego Air Pollution Control District, Table C. See Exhibit B, attached hereto. Barrio Logan and Logan Heights are located in the 92113 zip code.

IV. IMPACTS OF THE PASSAGE OF APCD RULE 1210

Rule 1210 was adopted by the San Diego County Board of Supervisors, acting as the Air Pollution Control Board, on June 12, 1996.²¹ Rule 1210 does not provide for the notification required under the Hot Spots Act. Rather, it allows companies that have reduced their risks and/or emissions since the original data was collected in 1989 to update their HRAs, and to provide notification only based upon those updates.²² Thus, companies will essentially get a "do-over," and be allowed to ignore the results of their original HRAs for purposes of notifying the public.

This will violate the Hot Spots Act, and disproportionately impact the people of Barrio Logan and Logan Heights in several ways. The timing of the notification, the people to be notified, and the information to be provided in the notice- all of these aspects of Rule 1210 conflict with state law. The people of Barrio Logan and Logan Heights have the most critical need for this information, due to the cumulative effects of having so many emitting companies in close proximity to their homes and schools.

Moreover, Rule 1210 does not go far enough in requiring risk reduction from companies emitting air toxics. Only companies with cancer risk levels above one hundred (100) in a million will be required to reduce their risk levels. This will leave many companies in the Barrio Logan and Logan Heights area free from requirements to reduce their risks, even though their cumulative risks add up to an unacceptable burden on the health of community residents.

Thus, implementation of Rule 1210 will both be in conflict with California law, and have

²¹ See Exhibit C, attached hereto.

²² Rule 1210(d)(3), (d)(4).

a discriminatory effect on the people of Barrio Logan.

A. RULE 1210 CONFLICTS WITH STATE LAW

Rule 1210 violates the Hot Spots Act for several reasons. First, the timing of the notification will not comply with the requirements of the Hot Spots Act; rather, notification has once again been postponed. As noted above, the original HRAs (based on 1989 data) were approved between 1993 and 1995. By law, notification should have occurred at that time. Instead, under Rule 1210, companies whose HRAs revealed significant risks will be permitted to update their HRAs, and will not be required to notify based on those updates until late 1997, or not at all if the companies show that, since approval of their original HRA, they have reduced their risks below the levels requiring notification.²³

Second, "all exposed persons" required to be notified under the Hot Spots Act will not receive that notice. The APCD has estimated that if the subject companies notified based on the original HRAs, hundreds of thousands of San Diego residents would be entitled to this notice. However, under Rule 1210, "exposed persons" identified in the original HRAs will in many instances receive no notice that they were ever exposed to these health risks. This violates the Hot Spots Act, which requires notification of significant risks identified in HRAs that have been approved by the local air district. It is not disputed that the APCD approved HRAs which identified significant risks. Yet, the APCD failed to require notification of the public regarding those risks.

²³ Rule 1210 requires that companies with risk levels above 10 cancers per million, or acute or chronic health hazard indices above 1.0 notify the public, unless those risks have been reduced.

For example, under Rule 1210, if a company's original HRA identified 20,000 persons as being exposed to cancer risk levels of greater than ten in one million, but the "updated" HRA shows only 2,000 persons as being exposed to that level of risk, 18,000 will receive no notice that they were exposed. If the same company has now reduced its cancer risk below 10 in one million, none of the 20,000 exposed persons identified in the original HRA will receive notice of that fact. Based upon the fact that the most severe risks are found in Barrio Logan and Logan Heights, it is these communities that will suffer the most from implementation of this rule.

Third, the "updated" HRAs will not be subject to the rigorous review required by Section 44361 of the Health and Safety Code, as were the original HRAs. Under that section, HRAs must first be reviewed by the California Office of Environmental Health Hazard Assessment ("OEHHA") before they can be approved by the local air district. Yet, Rule 1210 does not require OEHHA review of the updated HRAs. Rather, they will be subject only to local air district review. Thus, public notice will be based upon HRAs that do not comply with the Health and Safety Code, and the risk reduction audits and plans will also be based upon the same non-conforming HRAs.

Rule 1210 also has the effect of notifying the public of only the lowest possible risks, or "best-case scenario". Rule 1210 (d)(3) allows companies that have decreased their risks to update their HRAs and notify based upon the lower risk numbers. However, companies that have increased their health risks since the approval of the original HRAs will not be allowed to update their HRAs. This means that companies that now have lower risks will only tell the public about those lower risks, and companies that now have higher risks will tell the public only about the lower risks they previously had.

For example, National Steel and Shipbuilding Company's ("NASSCO") original HRA showed a cancer risk level of 6900 cancers per one million persons. NASSCO's preliminary 1997 HRA results, however, indicate a cancer risk of 579 cancers per million.²⁴ Under Rule 1210, NASSCO will be allowed to notify the public based upon the 1997 HRA once it is completed and approved. By contrast, the APCD's preliminary estimate, based upon 1993 emissions, of Naval Air Station North Island's ("NASNI") 1997 HRA results indicates a cancer risk of 197 cancers per million, an increase from the 120 cancers per million calculated in its original HRA. Under Rule 1210, NASNI will not be allowed to update its HRA, but will be required to notify based on the original HRA result. In either instance, the public loses, and is only provided with the "best case scenario".

In a thinly veiled attempt to remedy some of these defects with Rule 1210, the APCD included a provision in Rule 1210 requiring newspaper notice and a 30-day public comment period regarding the APCD preliminary determination of which companies would be allowed to pursue the "update" process. The notice was published in English-only newspapers on June 28, 1996. It stated that information about the original HRAs was available for review at the APCD during normal business hours. Given that many of the residents of Barrio Logan are primarily native Spanish speakers, and that many cannot afford newspapers, this notice was patently insufficient to notify this community, and, in any event, cannot substitute for compliance with the Hot Spots Act. Moreover, residents cannot be expected to travel to APCD during working hours to sift through the voluminous HRAs.

Because of these violations of state law, complainants on August 7, 1996 filed a lawsuit.

²⁴ These results are based upon APCD's preliminary estimate of HRA results, calculated from 1993 emissions data.

in San Diego Superior Court against the Respondents also named herein. EHC v. County of San Diego, et. al., Case No. 702568.

B. RULE 1210 RISK REDUCTION REQUIREMENTS DO NOT PROTECT THE HEALTH OF COMMUNITY RESIDENTS

Even more disturbing is the fact that Rule 1210 does not require adequate risk reduction-- as opposed to risk notification-- from those companies posing significant health risks to local communities. Whereas companies with cancer risk levels above ten (10) in one million are required to notify the public (after those risk numbers have been updated, in some instances), only companies with cancer levels of one hundred (100) in one million or higher will be required to reduce those risks, and only to below the 100/million level. This is also inconsistent with the plain language of the Hot Spots Act, which requires that both notification and risk reduction be based upon an APCD determination that "there is a significant risk associated with the emissions of a facility."²⁵ There is no rational basis for defining "significant" differently for notification as opposed to risk reduction.

As noted above, 85% of San Diego County's air toxics cancer risks are emitted in or near Barrio Logan and Logan Heights. Yet, no one has calculated the cumulative impact all of these emissions are likely to have on the health of Barrio Logan residents. Risk reduction requirements should obtain the maximum possible risk reductions from a large numbers of companies, and prioritize highest those companies in the most impacted areas, in order for local residents to be adequately protected. However, Rule 1210 will require risk reduction from, at most, three facilities in all of San Diego County. Thus, the Barrio Logan and Logan Heights area will

²⁵ Cal. Health & Safety Code §§ 44362(b), 44391.

continue to suffer with unacceptably high levels of air toxics emissions, as they have been for decades. Even though the California Hot Spots program requires those risks to be reduced, they either will not be reduced at all or will not be reduced in a manner that is most health-protective of community residents.

C. RULE 1210 IS DISCRIMINATORY

Title VI of the Civil Rights Act of 1964 provides in pertinent part:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.²⁶

The EPA regulations implementing Title VI state:

A recipient [of federal funds] shall not use criteria or methods of administering its program which have the effect of subjecting individuals to discrimination because of their race, color, national origin, or sex, or have the effect of substantially defeating or substantially impairing accomplishment of the goals of the program with respect to individuals of a particular race, color, national origin, or sex.²⁷

Thus, under Title VI and EPA's implementing regulations, programs receiving EPA funding may not be administered in a manner that has the practical effect of subjecting individuals to discrimination based on race. Yet, the adoption of Rule 1210 has precisely this discriminatory effect.

In summary, Rule 1210 causes the following harmful and discriminatory impacts on the Barrio Logan and Logan Heights communities:

1. The timing of notification has been and continues to be greatly delayed;

²⁶ 42 U.S.C. § 2000d.

²⁷ 40 C.F.R. § 7.35(b) (emphasis added).

2. Hundreds of thousands of the people required to be notified by the Hot Spots Act will not be notified;

3. The quality of the data to be provided to the public will not meet the requirements of the Hot Spots Act;

4. The public will only be provided with the lowest risk estimates available, or the "best case scenario";

5. Risk reduction requirements do not go far enough to protect public health.

All of these problems with Rule 1210 add up to a severe and discriminatory burden on the people of Barrio Logan and Logan Heights. The residents of these communities were given a right under California law to receive notice regarding health risks imposed on their communities and families by neighboring industries, but will not get that notice. Nor will these health risks be reduced to a degree which will sufficiently protect their health. Because most of these risks are caused by industries in or around the Barrio Logan and Logan Heights communities, it is clear that these communities will suffer the most from these failures.

Moreover, the San Diego County Air Pollution Control District receives substantial federal funding from the U.S. Environmental Protection Agency. For the 1996-97 fiscal year, the APCD received a grant for \$1,480,331.00.²⁸ Though the Hot Spots program is self-funded through industry fees, staff and resources that implement the Hot Spots Program are commingled with those for programs which are supported by EPA funding. Accordingly, the APCD's implementation of Rule 1210 and the notice requirement of the Hot Spots Act in a manner that discriminates against the residents of Barrio Logan and Logan Heights is in violation of Title VI

²⁸ See Exhibit D, attached hereto.

of the Civil Rights Act.

VI. CONCLUSION

For all of the reasons set out above, the adoption by the County of San Diego of APCD Rule 1210 will have a discriminatory effect on the people of Barrio Logan and Logan Heights. These are the people that are most in need of information regarding potential health risks to which they and their families have been and are being subjected. The failure to provide this information will impact the ability of community residents to make informed decisions about their health care, lifestyle, and community. More importantly, the failure to require adequate emissions reductions with Rule 1210 will ensure that the Barrio Logan and Logan Heights communities continue to unfairly pay the price for San Diego's toxic industries.

For these reasons, complainants respectfully request that the EPA:


1. Initiate an investigation into the civil rights abuses inherent in the implementation of the California Air Toxics Hot Spots Act in San Diego County.
2. Require, as a condition of continuing to provide federal financial assistance, that the San Diego County APCD comply with the notification requirements of the California Air Toxics Hot Spots Act, and require immediate notification of the public regarding the results of the approved HRAs.
3. Require, as a condition of continuing to provide federal financial assistance, that the San Diego County APCD require risk reduction to a level which will protect the health of residents of Barrio Logan from the cumulative risks of industrial air toxics emissions. That level should be


established as ten cancers per million.

Dated: 8/30/96

Respectfully submitted,

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Exhibit A

00	Company	Facility Address	HRA Prot. Submitted Date	HRA Prot. Approved Date	HRA Due Date	HRA Extension Date	HRA Received Date	MTS Rev. Review Complete	Prelim. Review Complete	HRA Sent to OEHHA	OEHHA Review Complete	HRA Approved
201A	ARCO	2295 Harbor Drive E	7/8/91	8/23/91	9/30/91	-	9/30/91	10/1/92	4/1/92	4/14/92	2/19/93	1/23/93
019A	Asphalt Inc., Lakeside	Shugartenhouse Canyon/Hwy. 6	2/15/91	12/6/91	3/29/92	-	3/27/92	5/13/93	10/30/92	6/22/93	7/19/94	7/27/94
125A	CALMAY Co (Mission Valley)	8080 Friars Road/Stadium Way	3/25/91	12/6/91	2/28/92	3/28/92	3/27/92	4/8/93	11/4/92	11/19/92	1/25/93	3/23/93
306A	CALMAY Co./Conrock Div. (Cal)	10050 Black Mountain Road	3/25/91	12/6/91	2/28/92	3/28/92	3/27/92	4/7/93	9/3/92	10/13/92	5/31/94	5/7/94
324A	CALMAY Co./Conrock Div. (Pa)	Hwy. 767 Mi. E. Hwy. I-15	3/25/91	11/22/91	3/3/92	3/28/92	4/3/92	4/15/93	9/2/94	10/13/92	12/28/94	3/23/95
103A	Canyon Rock/V.R. Dennis	7500 Mission Gorge Road	2/15/91	12/3/91	3/28/92	-	3/27/92	5/13/93	11/3/92	11/19/92	2/15/93	3/23/93
072A	Chem Tronics Inc.	1150 Bradley Avenue W	3/18/91	12/13/91	3/10/92	4/10/92	4/13/92	6/10/93	10/9/92	10/13/92	12/8/94	3/23/95
968A	Chevron USA Inc.	2351 Harbor Drive E	5/14/91	7/23/91	10/30/91	-	10/7/91	10/2/92	4/1/92	4/14/92	2/1/93	4/18/94
501A	Deutsch	Airport Rd.	4/15/92	7/14/92	11/13/92	12/13/92	1/8/93	6/18/93	1/2/93	1/19/93	7/29/94	8/12/94
566B	East County Materials (Hester)	2266 Willow Glen Drive	2/18/91	8/30/91	12/23/91	1/23/92	1/24/92	3/16/93	12/15/93	1/19/93	2/15/95	3/23/95
035A	Frazee Paint	6625 Miramar Road	2/15/91	10/8/91	2/8/92	3/7/92	3/16/92	6/8/93	9/1/92	10/13/92	7/15/94	7/27/94
503A	General Dynamics/Convair Div.	5001 Kearny Villa Road	3/27/91	8/27/91	11/14/91	-	11/14/91	10/14/92	4/8/92	4/14/92	3/22/93	3/24/95
156A	General Dynamics/Convair Div.	3302 Pacific Hwy. Aerospace	4/18/91	8/15/91	10/14/91	11/15/91	1/15/91	1/12/92	6/18/92	7/2/92	4/13/93	3/24/95
138A	H.G. Fenton Material Co.	9255 Camino Santa Fe	2/19/91	9/19/91	1/6/92	2/5/92	2/6/92	3/3/93	12/16/93	1/18/93	1/25/95	3/23/95
203A	Kelco/Div. Merck & Co. Inc.	2145 Belt Street E	5/1/91	6/18/92	7/5/92	-	9/4/92	6/22/93	11/6/92	11/19/92	3/11/94	4/19/94
341A	Knight & Carver Inc.	3650 Hancock Street	2/15/91	6/28/91	10/28/91	11/28/91	11/26/91	10/7/92	4/7/92	4/14/92	2/8/93	4/18/94
253A	National Steel & Shipbuilding	268th St. & Harbor Drive	3/14/91	9/18/91	12/21/91	1/21/91	1/21/91	1/21/92	12/8/92	6/18/92	7/2/92	11/2/93
187A	Nelson & Sloan	Otay Ranch Road (Birch Quant)	2/19/91	8/30/91	12/23/91	1/23/92	1/24/92	3/11/93	7/29/92	7/31/92	2/10/94	4/12/94
255A	Nelson & Sloan (Otay)	7th & Main Streets	2/19/91	9/18/91	1/6/92	2/5/92	2/6/92	3/16/93	8/13/92	6/22/93	1/25/95	3/23/95
139A	Nelson & Sloan, Tri Way Div.	12533 Hwy. 57, Lakeside	2/19/91	9/30/91	12/23/91	1/23/92	1/24/92	3/12/93	7/29/92	7/31/92	1/28/94	4/12/94
211A	Powerline Oil Co.	9950 San Diego Mission Road	3/5/91	7/30/91	11/8/91	12/6/91	12/8/91	10/7/92	4/1/92	4/14/92	2/1/93	3/24/95
1301A	Rohr Industries	Foot of H Street	2/20/91	12/12/91	4/10/92	5/10/92	5/11/92	-	4/5/93	6/22/93	3/11/94	3/24/95
168DA	S.D. City Pl. Loma Vista Wtr.	1902 Galtchell Road	2/15/91	9/22/92	1/22/93	2/22/93	2/22/93	-	2/24/93	6/22/93	4/8/94	4/19/94
1351A	S.D. State University	5300 Campanile Drive	2/26/91	10/4/91	1/20/92	2/20/92	2/20/92	6/8/93	8/26/92	10/13/92	5/4/93	11/18/93
069A	Santa Fe Pacific Pipeline	9950 San Diego Mission Road	5/28/91	8/6/91	10/5/91	-	10/4/91	9/30/92	4/2/92	4/14/92	6/30/93	4/19/94
1182B	SD County, Bonnell LF	29370 Twin Oaks Valley Rd.	12/9/91	1/8/92	3/8/92	-	5/15/92	5/5/93	10/7/92	10/13/92	6/3/94	5/8/94
1176	SD County, Otay LF	Otay Mesa Rd., Otay	12/8/91	1/8/92	3/8/92	-	3/22/92	4/22/93	10/7/92	10/13/92	12/28/94	3/23/95
24 04156A	SD County, Palomar Airport L	Palomar Airport, Carlsbad	5/20/91	10/23/91	11/17/91	12/17/91	1/30/92	3/9/93	7/23/92	7/31/92	5/31/94	8/7/94
25 08177	SD County, San Marcos LF	1601 Questhaven Rd., San Mar	12/8/91	1/8/92	3/8/92	-	4/10/92	4/30/93	10/8/92	10/13/92	6/9/94	6/10/94
26 6257C	SD County, Blythe LF	Meat Blvd., Blythe	12/9/91	1/8/92	3/8/92	-	5/29/92	4/23/93	10/8/92	10/13/92	4/11/94	4/18/94
27 00541A	SDG&E Company	NAS NORIS GT-Bldg. 653	4/26/91	10/1/91	11/19/91	12/22/91	2/7/92	3/2/93	7/24/92	7/31/92	2/18/94	4/12/94
28 00334A	SDG&E Company	990 Bay Blvd./So. Bay Plant	4/26/91	10/4/91	11/22/91	12/22/91	3/26/92	2/9/93	7/28/92	6/22/93	6/9/94	6/10/94
29 00333A	SDG&E Company	4600 Carlsbad Blvd./Encina Pk	4/26/91	10/4/91	11/22/91	12/22/91	2/7/92	2/16/93	7/24/92	7/31/92	8/17/94	9/23/94
30 00545A	SDG&E Company	Foot of Neville Road/NTC GT	4/26/91	10/1/91	11/19/91	12/22/91	2/7/92	3/4/93	7/23/92	7/31/92	11/30/94	3/23/95
31 02113	SDG&E Company (32nd st New)	Vesta St. & Ward Rd. - NAV ST	4/26/91	10/1/91	11/19/91	12/22/91	2/7/92	3/3/93	7/24/92	7/31/92	8/9/94	6/10/94
32 01069B	Shell Oil Company	8950 San Diego Mission Road	2/19/91	8/16/91	11/12/91	-	11/12/91	10/5/92	4/1/92	4/14/92	8/10/93	11/23/93
33 00180A	Slim J. Harris Company	9929 Harris Plant Road	2/19/91	8/13/91	1/6/92	2/5/92	2/6/92	4/2/93	12/16/93	1/19/93	1/25/95	3/23/95
34 01969A	So. California Edison Co.	Hwy. 101/Nuclear Gen. Station	3/14/91	8/23/91	11/23/91	-	12/23/91	1/22/93	6/18/92	7/2/92	2/11/93	4/12/94
35 01869A	Solar Turbines Inc.	4200 Purfill Road	2/15/91	7/23/91	11/20/91	12/20/91	12/20/91	9/4/92	6/18/92	7/2/92	11/4/93	4/12/94
36 00363A	Solar Turbines Inc.	2200 Pacific Hwy.	2/15/91	6/18/91	10/19/91	11/17/91	11/25/91	9/15/92	6/18/92	7/2/92	3/9/94	4/18/94
37 02183A	Sony	Rancho Bernardo	-	11/24/93	4/24/93	5/24/93	5/21/93	6/16/93	5/21/93	6/22/93	12/22/94	3/23/95
38 00371A	South Coast Material Co. (Cal)	3701 Haymar Road	2/15/91	12/6/91	3/21/92	-	3/27/92	5/11/93	12/16/93	1/19/93	8/1/94	3/23/95
39 00344A	Southwest Marine Inc.	Foot of Sampson Street	3/14/91	9/19/91	12/21/91	1/21/91	1/21/92	3/4/93	7/22/92	7/31/92	3/3/94	4/12/94
40 00388A	Teledyne Ryan Aeronautical	2701 Harbor Drive N	4/3/91	9/13/91	11/24/91	12/24/91	12/24/91	2/4/93	6/18/92	7/2/92	4/6/94	4/12/94
41 02010A	Texaco Refining & Marketing	9966 San Diego Mission Road	2/18/91	8/8/91	1/4/92	-	1/6/92	10/8/92	4/3/92	4/14/92	8/10/93	4/12/94
42 00402A	UCSD Campus	Gilman Drive	5/10/91	1/31/92	3/8/92	4/8/92	4/9/92	-	10/6/92	10/13/92	5/4/93	11/30/93
43 04828A	USMC Base	Camp Pendleton	1/10/92	4/10/92	6/10/92	-	11/6/92	7/6/93	11/7/92	11/19/92	6/9/94	6/10/94
44 04824A	USN Air Station/Miramar	NAS Miramar	12/5/91	1/31/92	3/31/92	-	5/11/92	5/24/93	1/13/93	1/19/93	5/13/94	7/6/94
45 04821A	USN Air Station/NORIS	NAS North Island	7/26/91	8/2/92	8/2/92	-	11/6/92	6/23/93	11/6/92	11/19/92	3/3/94	4/19/94
46 04833A	USN Amphibious Base	Silver Strand Blvd.	12/6/91	1/31/92	3/31/92	-	4/28/92	5/20/93	11/5/92	11/19/92	3/7/94	4/18/94
47 04845A	USN NAV STAT (I) SCE	Naval Station	11/18/91	1/31/92	3/31/92	-	5/4/92	5/19/93	1/19/93	1/19/93	3/7/94	4/19/94
48 02643A	USN Submarine Base	San Onofre ARD-30	11/12/91	12/17/91	2/17/92	-	2/18/92	5/18/93	9/1/92	10/13/92	4/18/94	4/19/94
49 00615A	Wyroc	1385 Sycamore Avenue	2/15/91	12/6/91	3/28/92	-	3/27/92	5/7/93	11/3/92	11/19/92	7/29/94	8/12/94

Exhibit B

TABLE 3
Summary Health Risk Assessment Results

Company	Facility Address	* City	Zip Code	Risk Assessment Review Status (1)	Max. Lifetime Cancer Risk per million (2)	Lifetime Cancer Burden (3)	Chronic THI (4)	Acute THI (5)
ARCO	2295 Harbor Drive E	San Diego	92113	Complete	4.0	<0.1	<0.1	NA
Asphalt Inc. (6)	Slaughterhouse Canyon/Hwy. 67	Lakeside	92040	Complete	46	<0.1	0.15	5.0
CALMAT Co	8080 Friars Road/Stadium Way	San Diego	92108	Complete	3.3	<0.1	0.14	0.3
CALMAT Co./Conrock Div.	10050 Black Mountain Road	San Diego	92126	Complete	1.3	<0.1	0.20	0.4
CALMAT Co./Conrock Div.	Hwy. 76/7 Mil. E. Hwy. I-15	Pala	92059	Complete	4.2	<0.1	0.10	<0.1
Chem Tronics Inc.	1150 Bradley Avenue W	El Cajon	92020	Complete	75	0.10	<0.1	4.5
Chevron USA Inc.	2351 Harbor Drive E	San Diego	92113	Complete	0.60	<0.1	<0.1	NA
Deutsch Co.	Airport Rd, Oceanside	Oceanside	92054	Complete	17	0.46	0.40	0.75
East County Materials (6)	2266 Willow Glen Drive	El Cajon	92019	Complete	65	<0.1	0.60	7.7
Frazee Paint (6)	6625 Miramar Road	San Diego	92123	Complete	26	1.1	1.0	0.38
General Dynamics/Convair Div.	5001 Kearny Villa Road	San Diego	92123	Complete	6.5	0.53	0.05	0.3
General Dynamics/Convair Div. (6)	3302 Pacific Hwy.	San Diego	92101	Complete	1000	37	3.8	1.0
H.C. Fenton Material Co. (6)	9255 Camino Santa Fe	San Diego	92121	Complete	46	<0.1	0.40	8.4
Kelco/Div. Merck & Co. Inc.	2145 Belt Street E	San Diego	92113	Complete	6.0	0.10	0.40	0.2
Knight & Carver Inc.	3650 Hancock Street	San Diego	92110	Complete	2.8	<0.1	<0.1	0.5
National Steel & Shipbuilding	28th St. & Harbor Drive	San Diego	92113	Complete	6900	27	7.5	2.3
Nelson & Sloan	5330 Otay Valley Road (Birch Quarry)	Otay	91911	Complete	510	0.99	2.4	26
Nelson & Sloan	7th & Main Streets	Otay	91911	Complete	70	<0.1	1.00	10.6
Nelson & Sloan, Tri Way Div.	12533 Hwy. 67	Lakeside	92040	Complete	52	<0.1	0.70	260
Powerline Oil Co.	9950 San Diego Mission Road	San Diego	92108	Complete	32	<0.1	0.10	NA
Rohr Industries.	Foot of H Street	Chula Vista	91910	Complete	300	3.0	7.7	0.4
S.D. City Pt. Loma Waste Water Trmt. Plant	1902 Gatchell Road	San Diego	92106	Complete	7.3	<0.1	0.30	1.1
S.D. State University	5300 Campanile Drive	San Diego	92182	Complete	0.10	NA	<0.1	0.5
Santa Fe Pacific Pipeline (6)	9950 San Diego Mission Road	San Diego	92108	Complete	65	0.87	<0.1	NA
SD County, Bonsall Landfill	29370 Twin Oaks Valley Rd	Vista	92083	Complete	3.7	<0.1	<0.1	<0.1
SD County, Otay Landfill	Otay Mesa Rd	Otay	91911	Complete	42	0.16	<0.1	0.06
SD County, Palomar Airport Landfill	Palomar Airport	Carlsbad	92008	Complete	3.9	<0.1	<0.1	<0.1
SD County, San Marcos Landfill	1601 Questhaven Rd	San Marcos	92069	Complete	7.4	<0.1	<0.1	<0.1
SD County, Sycamore Landfill	Maest Blvd.	Santee	92071	Complete	19	<0.1	<0.1	<0.1
SDG&E Company	990 Bay Blvd./So. Bay Plant	Chula Vista	91911	Complete	2.1	<0.1	<0.1	0.34
SDG&E Company	4600 Carlsbad Blvd/Encina Plant	Carlsbad	92008	Complete	0.9	<0.1	<0.1	0.1
SDG&E Company	Naval Air Station, North Island	Coronado	92135	Complete	0.05	<0.1	<0.1	<0.1
SDG&E Company	Vesta St. & Ward Rd. (32nd St Naval Stn.)	San Diego	92113	Complete	0.08	<0.1	<0.1	<0.1
SDG&E Company	Foot of Neville Road/Naval Training Ctr.	San Diego	92133	Complete	0.2	<0.1	<0.1	<0.1
Shell Oil Company	9950 San Diego Mission Road	San Diego	92108	Complete	3.3	<0.1	<0.1	NA
Signet Armorlite	1001 Armorlite Dr.	San Marcos	92069	Complete	79	0.19	0.24	1.2
Sim J. Harris Company	9229 Harris Plant Road	San Diego	92145	Complete	58	<0.1	0.66	13
So. California Edison Co. (6)	Hwy. 101/Nuclear Gen. Station	San Onofre	92672	Complete	2.2	NA	<0.1	<0.1
Solar Turbines Inc. (6)	4200 Ruffin Road	San Diego	92123	Complete	11	<0.1	0.30	3.3
Solar Turbines Inc. (6)	2200 Pacific Hwy.	San Diego	92101	Complete	190	1.1	0.40	0.1
Sony	16450 Bernardo Dr. W	San Diego	92127	Complete	4.5	<0.1	0.09	0.1
South Coast Material Co. (6)	3701 Haymar Road	Carlsbad	92008	Complete	11	0.06	0.13	9.4
Southwest Marine Inc.	Foot of Sampson Street	San Diego	92113	Complete	1200	1.2	5.5	44
Superior Ready Mix Concrete, L.P. (6)	7500 Mission Gorge Road	San Diego	92120	Complete	47	0.14	1.3	9.4
Teledyne Ryan Aeronautical (6)	2701 Harbor Drive N	San Diego	92101	Complete	190	7.9	2.4	<0.1
Texaco Refining & Marketing Inc.	9966 San Diego Mission Road	San Diego	92108	Complete	0.8	NA	<0.1	NA
UCSD Campus	Gilman Drive	La Jolla	92093	Complete	1.8	<0.1	<0.1	0.4
USMC Base/Camp Pendleton	Camp Pendleton	Camp Pendleton	92055	Complete	1.7	<0.1	0.14	0.64
USN Air Station/Miramar	NAS Miramar	San Diego	92145	Complete	31	8.5	0.08	0.75
USN Air Station/North Island (6)	NAS North Island	Coronado	92135	Complete	120	2.7	0.30	37
USN Amphibious Base	Silver Strand Blvd.	Coronado	92118	Complete	11	1.8	0.40	8.6
USN Navy Station, 32nd St.	Harbor Drive and 32nd Street	San Diego	92113	Complete	70	4.3	<0.1	0.8
USN Submarine Base	140 Sylvester Rd.	San Diego	91106	Complete	1.5	NA	<0.1	1.8
Wyroc	1385 Sycamore Avenue	Vista	92083	Complete	63	0.14	0.19	0.63

(1) - This column reports the current status of the OEHHA and District review of the health risk assessment report. Risk values may change if there are correction or updates to the 1989 emission values used in this report.

(2) - This column reports the maximum lifetime excess cancer risk estimate reported by the facility or corrected by the District. The maximum estimated risk generally is possible at only one location. All other locations show lower risk levels. Moreover this estimate assumes that a person resides at the one location of maximum impact 24 hours per day, 365 days per year, for 70 years of exposure to emissions at 1989 levels. Accordingly, actual cancer risks will likely be less.

(3) - Excess cancer burden is an estimate of the increased number of cancer cases in a population (i.e., all census tracts within or partially within the 1E-6 cancer risk isopleth) as a result of exposure to emitted substances.

(4) - Chronic total health hazard index (THI) is the sum of the ratios of the average annual exposure level of each compound to the reference exposure level (REL) for that compound.

(5) - Acute total health hazard index (THI) is the sum of the ratios of the maximum one-hour exposure level for each compound to the reference exposure level (REL) for that compound.

(6) - This facility has submitted information concerning emission reductions that have occurred since 1989. Due to those emission reductions, actual facility risks may be less than the risk levels indicated in this table. A letter from the facility detailing emission reduction efforts is presented in Appendix D, Volume II.

NA denotes that the assessment was not applicable or not required.

Exhibit C

**AIR POLLUTION CONTROL BOARD
COUNTY OF SAN DIEGO AIR POLLUTION CONTROL DISTRICT
WEDNESDAY, JUNE 12, 1996**

MINUTE ORDER NO. 2

SUBJECT: Continued Noticed Public Hearing:
Adoption of New Rule 1210 (Toxic Air Contaminant Public Health Risks - Public Notification and Risk Reduction)
(Carryover Item from 5/15/96, Agenda Item No. APCD 4)
Supv. Dist: All)

ISSUE/REFERENCE:

On May 15, 1996 (APCD 4), your Board continued the Hearing to June 12, 1996, at 9:00 a.m.

Should the Board adopt new Rule 1210 specifying public notification levels and risk mitigation levels, and public notification requirements and procedures?

FISCAL IMPACT:

Adopting the proposed new Rule 1210 will have no fiscal impact on the District.

RECOMMENDATION:

AIR POLLUTION CONTROL OFFICER:

Adopt the Resolution adding new Rule 1210 and make appropriate findings:

- (i) of necessity, authority, clarity, consistency, non-duplication and reference as required by Section 40727 of the State Health and Safety Code;
- (ii) that the adoption of new Rule 1210 will alleviate a problem and will not interfere with attainment of ambient air quality standards (Section 40001 of the State Health and Safety Code);
- (iii) that the adoption of new Rule 1210 will not significantly affect air quality or emissions limitations, and that an assessment of socioeconomic impacts is not required (Section 40728.5 of the State Health and Safety Code); and
- (iv) that there is no reasonable possibility that the adoption of Rule 1210 may have a significant effect on the environment and that Rule 1210 is exempt from the provisions of the California Environmental Quality Act.

ACTION:

ON MOTION of Member Cox, seconded by Member Slater, the Air Pollution Control Board San Diego County Air Pollution Control District closed the Hearing; and took action as recommended, with the understanding the District will ensure there is adequate public noticing to inform the public of risk assessment data, and shall develop a process to allow for more detailed layman type presentations to interested community groups, and make available historical data through the newspaper, telephone, and posters; and pursuant to Section 40727 of the Health and

Safety Code, made the appropriate findings as presented by County Counsel in Board of Supervisors Document No. 765193A; and adopted Resolution No. 96-164, entitled:
RESOLUTION ADDING RULE 1210 TO REGULATION XII OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

AYES: Cox, Jacob, Slater, Roberts, Horn

State of California)
County of San Diego)^{ss}

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Air Pollution Control Board.

ARLINE S. HULTSCH
Assistant Clerk of the Air Pollution Control Board

By *L. Monteleone*
Lorena Loaiza Monteleone
Deputy



WEDNESDAY, JUNE 12, 1996

NEW ADDED RULE

Re Rules and Regulations of the)
Air Pollution Control District)
of San Diego County)

**RESOLUTION ADDING RULE 1210
TO REGULATION XII
OF THE RULES AND REGULATIONS OF THE
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Cox, seconded by Member Slater
the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control Board, pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been had relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be and hereby are amended as follows:

New Rule 1210 is to read as follows:

**RULE 1210. TOXIC AIR CONTAMINANT PUBLIC HEALTH RISKS -
PUBLIC NOTIFICATION AND RISK REDUCTION**

(a) APPLICABILITY

This rule is applicable to each stationary source required to prepare a public health risk assessment pursuant to Section 44360 of the Health and Safety Code.

(b) EXEMPTIONS

The provisions of Sections (d) and (e) of this rule shall not apply to stationary sources for which industry-wide generic public health risk assessments are prepared by the Air Pollution Control Officer pursuant to Section 44323 of the Health and Safety Code.

(c) DEFINITIONS

(1) "Airborne Toxic Risk Reduction Measure" means changes at a stationary source that reduce or eliminate toxic air contaminant emissions subject to this rule. Airborne toxic risk reduction measures may include changes in production processes, feed stock modifications, product reformulations, production system modifications, system

enclosures, emissions capture, emissions control, emissions conversion, or modifications to operational standards or practices. Airborne toxic risk reduction measures do not include measures which will result in an increased health risk to the public from exposures to the toxic chemical in another media, nor which will result in an increased health risk to stationary source workers or the consumer.

(2) **"Cancer Burden"** means the estimated potential increase in the occurrence of cancer cases in a population subject to an incremental cancer risk of greater than one in one million resulting from exposure to toxic air contaminants.

(3) **"Contiguous Property"** means the same as defined in Rule 2 of these Rules and Regulations.

(4) **"Emission Inventory Report"** means a document that identifies and describes sources of toxic air contaminant emissions at a stationary source, characterizes the nature of the discharge of such contaminants, and estimates the types and amounts of toxic air contaminants emitted from each source.

(5) **"Emission Unit"** means any article, machine, equipment, contrivance, process or process line which emits or may emit one or more toxic air contaminants.

(6) **"Individual Substance Acute Health Hazard Index"** means, for each air contaminant, the ratio of the maximum estimated concentration of that contaminant in the ambient air for the specified averaging time for a given potential acute health effect to the applicable reference exposure level for that contaminant for the same averaging time.

(7) **"Individual Substance Chronic Health Hazard Index"** means, for each air contaminant, the ratio of the maximum estimated concentration of that contaminant in the ambient air for the specified averaging time for a given potential chronic health effect to the applicable reference exposure level for that contaminant for the same averaging time.

(8) **"Industry-Wide Generic Public Health Risk Assessment"** means a study to identify, characterize and quantify the potential public health risks that may result from emissions of toxic air contaminants from a class of stationary sources which the Air Pollution Control Officer finds meets all of the following:

(i) All stationary sources within the class fall within one four-digit Standard Industrial Classification Code.

(ii) Individual preparation of emission inventory reports and public health risk assessments would impose severe economic hardships on the majority of stationary sources within the class.

(iii) The majority of the class is composed of small businesses:

(iv) Releases of toxic air contaminants from individual stationary sources in the class can easily and generically be characterized and calculated.

(9) **"Maximum Incremental Cancer Risk"** means the estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to toxic air contaminants emitted from a stationary source.

(10) **"Prioritization Score"** means a value indicative of a stationary source's toxic air contaminant emissions strength, arrived at by use of emissions data contained in

an approved emission inventory report, air contaminant toxicity data recommended by the state Office of Environmental Health Hazard Assessment, and a calculation methodology established by the Air Pollution Control Officer. Separate prioritization scores are determined for toxic air contaminants with the potential for causing carcinogenic effects, noncarcinogenic acute effects, and noncarcinogenic chronic effects.

(11) **"Public Health Risk Assessment"** means a study to identify, characterize and quantify the estimated potential cancer and noncancer public health risks that may result from public exposure to emissions of toxic air contaminants emitted from one or more emission units at a stationary source.

(12) **"Risk Reduction Audit and Plan"** means a study prepared by the owner or operator of a stationary source which identifies sources and emissions of toxic air contaminants at the stationary source that result in potentially significant public health risks and which proposes airborne toxic risk reduction measures that are sufficient to reduce potential public health risks from such emissions to less than significant risk mitigation levels as specified in this rule.

(13) **"School"** means any public or private school used for the education of more than 12 children in one or more grades from kindergarten through grade 12, but does not include any school in which education is primarily conducted in a private home.

(14) **"Small Business"** means the same as defined in Government Code Section 11342(e).

(15) **"Stationary Source"** means the same as defined in Rule 2 of these Rules and Regulations.

(16) **"Total Acute Noncancer Health Hazard Index"** means the estimated potential risk of acute public health effects and is the sum of the individual substance acute health hazard indexes affecting the same target organ system for a potential maximally exposed individual for all toxic air contaminants emitted from a stationary source and identified in Table III.

(17) **"Total Chronic Noncancer Health Hazard Index"** means the estimated potential risk of chronic public health effects and is the sum of the individual substance chronic health hazard indexes affecting the same target organ system for a potential maximally exposed individual for all toxic air contaminants emitted from a stationary source and identified in Table II.

(18) **"Toxic Air Contaminant"** means the air contaminants listed in Table I (carcinogenic), Table II (noncarcinogenic-chronic) or Table III (noncarcinogenic-acute), which have a health standard approved by the state Office of Environmental Health Hazard Assessment (OEHHA) and are listed in the California Air Pollution Control Officers Association (CAPCOA) Air Toxics Hot Spots Program Risk Assessment Guidelines, October, 1993, or listed in any health risk assessment guidelines adopted by OEHHA pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 procedures) that replace all or part of such CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October, 1993.

The Air Pollution Control Officer may revise Tables I, II or III upon OEHHA adoption of revised CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines or upon OEHHA adoption of any health risk assessment guidelines or revisions pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 procedures) that replace all or part of such CAPCOA Air Toxics Hot Spots Program Risk

Assessment Guidelines, October, 1993, or with the concurrence of OEHHA and 30 days after public notice of the proposed changes is published in a newspaper of general circulation. A member of the public may petition the Air Pollution Control Officer to add air contaminants to these tables.

(d) PUBLIC HEALTH RISK NOTIFICATION REQUIREMENTS

(1) Except as provided in Subsections (d)(2) and (d)(3), the owner or operator of each stationary source for which a public health risk assessment has been approved by the Air Pollution Control Officer and which risk assessment indicates potential public health risks at or above the levels specified in Subsections (d)(1) (i), (ii), (iii) or (iv) shall provide written public notice of such risks. Public notice shall be by direct mailing, to each resident, business, parent or guardian of each student, and administrators of each school, hospital, day care center, convalescent home and any other sensitive receptor potentially exposed to such risks as specified by the Air Pollution Control Officer. Unless the health risk assessment for a stationary source is based on the estimated toxic air contaminant emissions at the source during calendar year 1989, the Air Pollution Control Officer will notify the owner or operator within 15 days after District approval of a health risk assessment whether public notice of such risks is required. If the approved public health risk assessment indicates potential public health risks at or above the levels specified in Subsections (e)(1) or (e)(2), as applicable, the Air Pollution Control Officer will indicate in the notification to the owner or operator that the owner or operator must also comply with Section (e) of this rule.

- (i) Maximum incremental cancer risks equal to or greater than 10 in one million, or
- (ii) Cancer burden equal to or greater than 1.0, or
- (iii) Total acute noncancer health hazard index equal to or greater than 1.0, or
- (iv) Total chronic noncancer health hazard index equal to or greater than 1.0.

Upon receipt of written notice from the Air Pollution Control Officer that the approved public health risk assessment indicates potential public health risks equal to or greater than the above levels, the owner or operator shall provide written public notice in accordance with the provisions of Subsections (d)(5) through (d)(15) of this rule.

(2) Written public notice shall not be required for a total acute or chronic noncancer health hazard index equal to or greater than 1.0 but less than 5.0 if the Air Pollution Control Officer determines, after consultation with the state Office of Environmental Health Hazard Assessment, that adverse public health effects are unlikely to occur at the levels of exposure estimated in the approved public health risk assessment.

(3) If the approved public health risk assessment for a stationary source is based on estimated toxic air contaminant emissions at the source during calendar year 1989, the written public notice required by Subsection (d)(1) shall be based on the 1989 emissions-based approved risk assessment unless the owner or operator of the stationary source has:

- (i) Submitted an updated emission inventory report which has been approved by the Air Pollution Control Officer by *(date of rule adoption)*, and
- (ii) Demonstrated, by *(45 days after rule adoption)*, to the satisfaction of the Air Pollution Control Officer that potential public health risks are likely to have dropped:

(A) From equal to or greater than to below any of the public notification levels specified in Subsection (d)(1) or (d)(2), or

(B) From equal to or greater than to below any of the significant risk mitigation levels specified in Subsection (e)(1) or (e)(2), or

(C) By at least 80% from any of the overall facility cancer or non-cancer risk levels in the approved health risk assessment based on toxic air contaminant emissions during calendar year 1989, and

(iii) Demonstrated, by *(45 days after rule adoption)*, to the satisfaction of the Air Pollution Control Officer that the decreases in indicated public health risks are the result of: permanent, quantifiable and enforceable changes in estimated emissions; changes in emission factors or methods of estimating emissions or toxic air contaminant exposure levels approved by the Air Pollution Control Officer; or, changes in toxicity, cancer potency, acceptable public exposure levels, or methods for estimating public exposures recommended by the state Office of Environmental Health Hazard Assessment, and

(iv) Prepared and submitted an updated public health risk assessment in accordance with the following schedule:

(A) Within 45 days after receipt of a final determination from the Air Pollution Control Officer that the stationary source is eligible to base the public notification required by Subsection (d)(1) on an updated public health risk assessment, submit for approval by the Air Pollution Control Officer a protocol describing the manner by which the updated public health risk assessment will be conducted.

(B) Within 90 days of approval of the protocol, submit an updated public health risk assessment to the Air Pollution Control Officer for approval. The updated health risk assessment shall be prepared following the approved protocol.

(C) Within 30 days of written notice from the Air Pollution Control Officer identifying any deficiencies in the updated public health risk assessment, revise and resubmit for approval a corrected risk assessment that addresses those deficiencies.

If an updated public health risk assessment has been prepared and approved pursuant to this Subsection (d)(3), the written public notice required by Subsection (d)(1) shall be given based upon the results of the updated health risk assessment and in accordance with the provisions of Subsections (d)(5) through (d)(15) of this rule. Public notice shall be given upon receipt of written notice from the Air Pollution Control Officer that the updated risk assessment has been approved and that the results indicate potential public health risks above the levels specified in Subsection (d)(1)(i), (ii), (iii), or (iv) or (d)(2) or (e)(1) or (e)(2), if applicable. In the event an updated health risk assessment is disapproved, or the owner or operator fails to comply with the schedule for updating a risk assessment specified in this Subsection (d)(3), the Air Pollution Control Officer shall require the owner or operator to provide public notice and, if applicable, comply with the provisions of Section (e) based on the most recent approved public health risk assessment for the stationary source.

(4) In implementing the provisions of Subsection (d)(3), the Air Pollution Control Officer shall:

(i) By *(15 days after rule adoption)*, make a preliminary determination of each affected stationary source's eligibility to update its public health risk assessment and provide written notice of the preliminary determination to each affected stationary source. The preliminary determination shall be based on the most recent approved emission inventory report for the stationary source, updated stationary source prioritization scores, stationary source permit information, and stationary source supplied information, and

(ii) Provide the public and the owner or operator of each affected stationary source 30 days to submit written comments on the preliminary determination and to submit any relevant additional information, and

Provide notice of the preliminary determinations in a newspaper of general circulation. Such notice shall contain the name and location of each affected stationary source, and the preliminary determination made for each source. The notice shall state that the materials on which the Air Pollution Control Officer based the determinations are available for review at the District, and that the District in making a final determination of each source's eligibility to update its risk assessment will consider all written comments and any relevant additional information submitted within the 30-day comment period described above. The notice shall also state that written public notice may be required to be given to fewer persons under a revised risk assessment than under the 1989 emissions-based public health risk assessment, and that the 1989 emissions-based public health risk assessments are available for review at the District. The notice shall also state the schedule for the District to receive any updated risk assessments, and that the updated risk assessments will be available for review at the District, and

(iii) By *(75 days after rule adoption)*, make a final determination of each affected stationary source's eligibility to update its public health risk assessment and provide written notice of the final determination to each affected stationary source, and

(iv) Within 30 days of receipt of a risk assessment protocol submitted pursuant to Subsection (d)(3)(iv)(A), approve or revise and approve the protocol and provide written notice of the approval to the owner or operator of the affected stationary source, and

(v) Provide notice of receipt of an updated risk assessment to any person who requests such notice, and within 60 days of receipt of an updated public health risk assessment submitted pursuant to Subsections (d)(3)(iv)(B) or (d)(3)(iv)(C), approve, revise and approve, or disapprove the risk assessment and provide written notice of the approval or disapproval to the owner or operator and notice of whether the results of the most recently approved public health risk assessment indicate potential public health risks above the levels specified in Subsection (d)(1).

(5) Within 45 days of the date of written notice from the Air Pollution Control Officer that public notification is required pursuant to Subsections (d)(1) or (d)(3) of this rule, the owner or operator of a stationary source shall prepare and submit to the Air Pollution Control Officer, for approval, a public notification plan. The plan shall include all of the following:

(i) A proposed public notification letter to be signed by the Air Pollution Control Officer. The proposed notification letter shall be identical in form and text

to the model notification letter provided by the Air Pollution Control Officer and shall include the additional stationary source-specific information required by the model notification letter. If notification is based on an updated risk assessment pursuant to Subsection (d)(3), the letter shall state that the 1989 emissions-based risk assessment is available at the District for review by interested members of the public.

(ii) Any proposed optional stationary source informational letter to accompany the public notification letter.

(iii) The name and phone number of the person responsible for coordinating public notification for the stationary source.

(iv) A description of the proposed methodology, such as the use of a mailing service, for obtaining the addresses of residents and persons to be notified and for carrying out the notification process.

(v) A list of all zip codes or census tracts to be included in the notification, and the estimated total number of notification letters to be mailed.

(vi) A list of all schools, hospitals, day care centers, convalescent homes and other sensitive receptors to be notified.

(vii) A list of the primary languages spoken by non-English speaking persons in the area to receive notification where such language is the primary language of five percent or more of the total persons to be notified in any census tract in the area to receive notification.

(viii) A proposed method for responding to public comments and requests.

The Air Pollution Control Officer shall approve, or revise and approve, the public notification plan within 30 days of receipt of the plan.

(6) The owner or operator of a stationary source required to provide written public notice pursuant to this rule shall implement the stationary source public notification plan, as approved by the Air Pollution Control Officer, within 30 days of the date of written notice from the Air Pollution Control Officer of such approval. Each written public notice shall be mailed via the U.S. Postal Service and shall contain only:

(i) The approved public notification letter signed by the Air Pollution Control Officer.

(ii) An "Air Toxics Hot Spots Fact Sheet" and a "Public Response Survey Card" reproduced from originals provided by the Air Pollution Control Officer.

(iii) Any stationary source informational letter that has been approved by the Air Pollution Control Officer.

(iv) For each public notification directed to a business, a request that the business post or circulate the District public notification letter for review by all on-site employees of the business.

(v) At the option of the owner or operator of the stationary source, a notice to carry out the warning requirements of Section 25249.6 of the Health and Safety Code provided such notice has been determined by the Air Pollution Control Officer

not to conflict with the intent or content of the public notifications required by this rule.

(7) Multilingual notifications shall be provided by the owner or operator of a stationary source required to provide public notification pursuant to this rule if five percent or more of the recipients within any census tract in the area to receive notification are non-English speaking. In such case, the notifications shall be provided in those languages which are the primary language of five percent or more of the total persons to be notified in that census tract.

(8) Any stationary source informational letter to be included in the notification required by this rule shall be approved by the Air Pollution Control Officer and shall enhance and not undermine the public health risk notification process. The stationary source informational letter may include:

(i) A discussion of air contaminants emitted, emission rates, and the reasons why the emissions occur.

(ii) A discussion of steps taken, or future steps planned, by the stationary source to reduce emissions or risks to the public. The owner or operator shall document to the Air Pollution Control Officer any such steps taken and/or provide a written commitment to the Air Pollution Control Officer for any steps planned.

(iii) A brief and factual discussion of the risk assessment results and the uncertainties and conservatism of the risk assessment.

(iv) The name, address and phone number of a stationary source contact regarding the public notification and the risk assessment.

(9) Each public notification shall be mailed in an envelope supplied by the Air Pollution Control Officer. The envelope shall be marked with the name and address of the Air Pollution Control District and the words "Public Health Information" if mailed to areas where the approved health risk assessment indicates potential risks below the significant risk mitigation levels specified in Section (e) of this rule. The envelope shall be marked with the words "Public Health Notice" if mailed to areas where the approved health risk assessment indicates potential risks at or above the significant risk mitigation levels.

(10) If the owner or operator of a stationary source fails to carry out the public notification requirements of this rule, the Air Pollution Control Officer shall carry out such notification at the earliest possible date. All District costs of such notification shall be paid by the owner or operator of the stationary source.

(11) The parents or legal guardians of students attending schools with potential exposure to risks above the notification levels specified in Subsection (d)(1) shall be notified by one of the following methods as determined by the administrator of the affected school:

(i) The owner or operator of the stationary source shall provide written notice by direct mailing based on a mailing list of parents or guardians provided by the school, or

(ii) The administrator of the school, or an assignee of the administrator, shall distribute notices provided by the stationary source owner or operator to the parents or guardians. The cost of such distribution shall be paid by the owner or operator of the stationary source, or

(iii) An alternative method acceptable to the administrator of the school and the owner or operator of the stationary source provided the Air Pollution Control Officer finds that such method meets the intent of the notification requirements of this rule.

(12) The owner or operator of the stationary source shall prepare and distribute a public health risk assessment summary to those persons receiving notice pursuant to this rule requesting additional information within 30 days of such requests. Such requests shall be in writing or by appropriately marking and returning the "Public Response Survey Card" specified in Subsection (d)(6). The summary shall be approved in advance by the Air Pollution Control Officer and shall provide information on the health risk assessment in more detail than the initial public notification. The summary shall include information concerning stationary source operations, emissions, potential cancer and non-cancer public health impacts, and past, current and future stationary source risk reduction efforts.

(13) If, based on the public response from persons receiving notice pursuant to this rule within 30 days of public notification, the Air Pollution Control Officer determines, on a case-by-case basis, that a public meeting is required, the Air Pollution Control Officer shall so notify the owner or operator of the affected stationary source and the owner or operator shall hold a public meeting within 90 days after public notification. The meeting shall be held at a time and place that facilitates public attendance. Translators shall be present if five percent or more of the expected audience is non-English speaking. The Air Pollution Control Officer, or designee, shall attend each public meeting.

The owner or operator of a stationary source required to conduct a public meeting shall plan, provide notice of and conduct such meeting, and shall bear the costs, including District costs, of holding the meeting. Notice of the meeting shall be sent to all persons expressing interest in having a meeting, shall be provided at least 14 days prior to the meeting, and shall be in English and the primary language(s) spoken by each non-English speaking ethnic group representing five percent or more of the persons receiving notice of the meeting.

(14) The owner or operator of a stationary source required to provide public notification pursuant to Section (d) of this rule, and which stationary source's most recently approved public health risk assessment indicates potential public health risks above the significant risk mitigation levels specified in Section (e) of this rule, shall provide public notification, in accordance with the procedures of this rule, annually. The owner or operator may cease annual public notification upon demonstrating, to the satisfaction of the Air Pollution Control Officer, that potential public health risks have been reduced below the significant risk mitigation levels.

The owner or operator of a stationary source required to provide public notification pursuant to Section (d) of this rule, and which stationary source's most recently approved public health risk assessment indicates potential public health risks above the public notification levels specified in Subsection (d)(1) of this rule, shall provide public notification, in accordance with the procedures of this rule, biennially. The owner or operator may cease biennial public notification upon demonstrating, to the satisfaction of the Air Pollution Control Officer, that potential public health risks have been reduced below the public notification levels.

(15) A copy of all information provided by the owner or operator of a stationary source to the public pursuant to the notification requirements of this rule shall also be provided to the Air Pollution Control Officer.

**(e) STATIONARY SOURCE TOXIC AIR CONTAMINANT RISK
REDUCTION AUDITS AND PLANS**

(1) Except as provided in Subsections (e)(2), (e)(3) and (e)(4), within six months of receipt of written notice from the Air Pollution Control Officer that a stationary source's most recent approved public health risk assessment indicates potential public health risks equal to or greater than one or more of the following significant risk mitigation levels, the owner or operator shall submit to the Air Pollution Control Officer, for review for completeness, a stationary source toxic air contaminant risk reduction audit and plan:

- (i) Maximum incremental cancer risks equal to or greater than 100 in one million, or
- (ii) Cancer burden equal to or greater than 1.0, or
- (iii) Total acute noncancer health hazard index equal to or greater than 1.0,
or
- (iv) Total chronic noncancer health hazard index equal to or greater than 1.0.

The risk reduction audit and plan shall contain airborne toxic risk reduction measures proposed by the owner or operator which will be sufficient to reduce the stationary source emissions to levels that result in potential public health risks below the significant risk mitigation levels specified above. Such emission reductions shall be accomplished within five years of the date the plan is submitted to the Air Pollution Control Officer.

(2) A risk reduction audit and plan shall not be required for a total hazard index for acute or chronic health risks equal to or greater than 1.0 but less than 5.0 if the Air Pollution Control Officer determines, after consultation with the state Office of Environmental Health Hazard Assessment, that adverse public health effects are unlikely to occur at the levels of exposure estimated in the approved public health risk assessment.

(3) The Air Pollution Control Officer may shorten the period for a stationary source to reduce risks below the significant risk mitigation levels if the Air Pollution Control Officer finds that it is technically feasible and economically practicable for the stationary source to do so or if the Air Pollution Control Officer finds that the emissions from the stationary source pose an unreasonable health risk. In determining whether the period for risk reduction shall be shortened, the Air Pollution Control Officer shall consider:

- (i) Whether it is technically feasible to reduce the estimated maximum incremental cancer risks for exposed persons to less than 250 in one million and total chronic and acute noncancer health hazard indexes to less than 10.0 in less than five years.
- (ii) Whether, and to what extent, the annualized cost of the airborne toxic risk reduction measures necessary to meet the significant risk mitigation levels of Subsection (e)(1) is not more than 10 percent of the preceding five year average annual return on equity for the owner or operator, whichever has the higher average annual return on equity.
- (iii) Whether the airborne toxic risk reduction measures which could be implemented in less than five years are based on technologies that have been proven in field applications, as determined by the Air Pollution Control Officer.

(iv) Whether there are alternative airborne toxic risk reduction measures available that are technically feasible and economically practicable and which can be implemented by the owner or operator sooner than the measures proposed by the owner or operator. If such alternative measures are available, the Air Pollution Control Officer may require that such measures be implemented prior to or in replacement of one or more of the measures proposed by the owner or operator.

(v) Whether there are additional stationary sources required to reduce public health risks pursuant to this Section (e) and for which there are approved health risk assessments indicating public health risks above the significant risk mitigation levels specified in Subsections (e)(1)(i), (ii), (iii) or (iv) for some or all of the same persons at risk by emissions from the stationary source under review.

(4) The Air Pollution Control Officer may lengthen the period for a stationary source owner or operator to reduce risks below the significant risk mitigation levels by up to an additional five years. To do so, the Air Pollution Control Officer must find that a period longer than five years will not result in an unreasonable risk to public health and that requiring implementation of the risk reduction audit and plan within five years would impose an unreasonable economic burden on the owner or operator, or is not technically feasible. In determining whether an owner or operator should be allowed more than five years to reduce risks below the significant risk mitigation levels, the Air Pollution Control Officer shall:

(i) Not allow more than five years to reduce the estimated maximum incremental cancer risks for exposed persons to less than 250 in one million and total chronic and acute noncancer health hazard indexes to less than 10.0.

(ii) Not require airborne toxic risk reduction measures to be implemented within five years, except as necessary to meet the requirements of Subsection (e)(4)(i), to the extent that the annualized cost of such measures exceeds 10 percent of the preceding five year average annual return on equity for the owner or operator, whichever has the higher average annual return on equity.

(iii) Not require airborne toxic risk reduction measures to be implemented within five years, except as necessary to meet the requirements of Subsection (e)(4)(i), to the extent those measures are based on technologies that have not yet been proven in field applications, as determined by the Air Pollution Control Officer.

(iv) Determine if alternative airborne toxic risk reduction measures are available that are technically feasible and economically practicable and which can be implemented by the owner or operator sooner than the measures proposed by the owner or operator. If such alternative measures are available, the Air Pollution Control Officer may require that such measures be implemented prior to or in replacement of one or more of the measures proposed by the owner or operator.

(v) Determine that the owner or operator will implement those airborne toxic risk reduction measures that are technically feasible and economically practicable as expeditiously as possible.

(vi) Consider whether there are additional stationary sources required to reduce public health risks pursuant to this Section (e) and for which there are approved health risk assessments indicating public health risks above the significant risk mitigation levels specified in Subsections (e)(1)(i), (ii), (iii) or (iv) for some or all of the same persons at risk by emissions from the stationary source under review.

The Air Pollution Control Officer shall not allow longer than five years if not specifically requested by the owner or operator. In making such a request, the owner or operator shall provide, in the manner and form prescribed by the Air Pollution Control Officer, all relevant information needed by the Air Pollution Control Officer to make the determinations specified above. The Air Pollution Control Officer may impose conditions on the approval of a period longer than five years as necessary to ensure that airborne toxic risk reduction measures that are technically feasible and economically practicable are implemented as expeditiously as possible.

(5) The risk reduction audit and plan submitted by the owner or operator shall contain all of the following:

(i) The name, location and standard industrial classification (SIC) code of the stationary source.

(ii) The identification of the emission units and toxic air contaminants emitted by each emission unit that contribute to potential public health risks above the significant risk mitigation levels specified in Subsection (e)(1). Emission units shall be listed by decreasing contribution to the total potential public health risks estimated for the stationary source. Toxic air contaminants shall be listed for each emission unit by decreasing contribution to the potential public health risk estimated for that unit.

The plan need not include identification of emission units which emit toxic air contaminants in amounts which the approved public health risk assessment indicates do not cause maximum incremental cancer risks greater than 1.0 in a million, nor a total acute noncancer health hazard index of 1.0 or greater, nor a total chronic non-cancer health hazard index of 1.0 or greater. The plan shall include identification of all emission units for which the owner or operator proposes to reduce toxic air contaminant emissions as part of the risk reduction audit and plan.

(iii) A listing and an evaluation of all airborne toxic risk reduction measures available to the owner or operator and which could be used to reduce emissions from the emission units identified in Subsection (e)(5)(ii). The evaluation shall identify the emission units and toxic air contaminants affected by each measure and the extent of emission reductions that would be achieved for each emission unit and each affected contaminant.

(iv) The identification of and the rationale for the airborne toxic risk reduction measures proposed for implementation by the owner or operator. The plan shall also include the rationale for not proposing for implementation any of the airborne toxic risk reduction measures identified as available to the owner or operator, including those identified as infeasible or not economically reasonable.

(v) A schedule for implementing the proposed airborne toxic risk reduction measures within five years or within a shorter or longer period as determined by the Air Pollution Control Officer pursuant to Subsections (e)(3) or (e)(4) of this rule. The schedule shall include specific increments of progress towards implementing the airborne toxic risk reduction measures. The schedule shall include dates by which applications for any authorities to construct or modified permits to operate will be submitted to the Air Pollution Control Officer, by which each measure will be in place, and by which the actual in-use effectiveness of each measure will be demonstrated to the Air Pollution Control Officer.

(vi) A demonstration that the proposed airborne toxic risk reduction measures will be sufficient to reduce or eliminate toxic air contaminant emissions from the stationary source to levels sufficient to ensure that potential public health risks from such emissions are below the significant risk mitigation levels specified in Subsection (e)(1) of this rule. The demonstration shall be made through analogy with the approved public health risk assessment for the stationary source or by submission of a revised forecast risk assessment. The demonstration shall include any foreseeable new or increased emissions of toxic air contaminants from the stationary source and the estimated public health risks resulting from such new or increased emissions during the period approved for implementation of the risk reduction audit and plan.

(vii) A schedule for providing progress reports on reductions in emissions of toxic air contaminants and estimated public health risks achieved under the implemented plan. Progress reports shall be provided not less frequently than annually and may be incorporated into toxic air contaminant emission inventory report updates required pursuant to Section 44344 of the Health and Safety Code.

(viii) A certification by an engineer registered as a professional engineer pursuant to Section 6762 of the Business and Professions Code, by an individual responsible for processes or operations of the affected stationary source, or by an environmental assessor registered pursuant to Section 25570.3 of the Health and Safety Code, that the audit and plan submitted meets the requirements of Section (e) of this rule and Part 6, Chapter 6 of Division 26 of the Health and Safety Code.

(6) Within 30 days of receipt of a risk reduction audit and plan submitted pursuant to this section, the Air Pollution Control Officer shall provide notice in a newspaper of general circulation, and direct notice to all individuals requesting such notice for the specific stationary source, of receipt of the plan, the availability of the plan for public inspection, and an opportunity to provide written comments regarding the plan within 30 days.

(7) Within 90 days after receipt of a risk reduction audit and plan submitted pursuant to this section, the Air Pollution Control Officer shall determine whether the plan is complete and so notify the owner or operator. A plan will be determined to be complete if it meets all of the requirements of this section. In determining whether a plan is complete, the Air Pollution Control Officer shall evaluate whether the airborne toxic risk reduction measures proposed are sufficient to achieve the emission reductions necessary to reduce potential public health risks below the significant risk mitigation levels specified in Subsection (e)(1) within five years or such other period approved by the Air Pollution Control Officer pursuant to Subsections (e)(3) and (e)(4).

(8) If the Air Pollution Control Officer finds that a risk reduction audit and plan is incomplete, the Air Pollution Control Officer shall remand the plan to the owner or operator for revision, specifying the deficiencies in the plan. Within 90 days of the date the remanded plan is received, the owner or operator shall submit a revised risk reduction audit and plan that corrects the deficiencies identified by the Air Pollution Control Officer.

Within 90 days of receipt of a revised plan, the Air Pollution Control Officer shall determine whether the revised plan is complete and so notify the owner or operator. If the Air Pollution Control Officer finds that the revised risk reduction audit and plan does not adequately correct the deficiencies identified and is not complete, the Air Pollution Control Officer shall so notify the owner or operator in writing and may remand the plan to the owner or operator for further revision or may disapprove the plan and find the owner or operator to be in violation of this rule.

(9) The owner or operator of a stationary source subject to the requirements of this section (e) shall commence implementation of the risk reduction audit and plan for the stationary source upon receipt of written notice from the Air Pollution Control Officer that the plan has been determined to be complete. The owner or operator shall fully implement the plan as determined complete by the Air Pollution Control Officer and in accordance with the schedule specified in the complete plan.

(10) Upon full implementation of each airborne toxic risk reduction measure identified in a risk reduction audit and plan determined to be complete by the Air Pollution Control Officer, the measure shall become enforceable by the Air Pollution Control Officer through inclusion of appropriate and necessary conditions on current permits to operate for the affected emission units. This Subsection (e)(10) shall not preclude an owner or operator from requesting, nor the Air Pollution Control Officer from granting, modifications to a permit to operate for an affected emission unit if the owner or operator demonstrates that the modifications will not interfere with the attainment of the risk reductions, and dates, contained in the complete risk reduction audit and plan.

(11) The Air Pollution Control Officer may require that a risk reduction audit and plan be revised and resubmitted if the Air Pollution Control Officer receives new information regarding toxic air contaminant emissions from the stationary source or alternative airborne toxic risk reduction measures that would significantly impact or reduce risks to exposed persons.

(f) All costs incurred by the Air Pollution Control Officer in carrying out the public notification and risk reduction audit and plan requirements of this rule in conjunction with an affected stationary source shall be paid by the owner or operator of that stationary source in accordance with Section (m) of Rule 40 of these Rules and Regulations.

Table I

Toxic Air Contaminants With Potential Carcinogenic Impacts^a

Substance	Substance
Acetaldehyde	Ethylene dibromide
Acrylamide	(1, 2 - Dibromoethane)
Acrylonitrile	Ethylene dichloride
Arsenic	(1, 2 - Dichloroethane)
Arsenic compounds (inorganic)	Ethylene oxide
Asbestos	Formaldehyde
Benzene	Furans (chlorinated)
Benzidine (and its salts)	Hexachlorobenzene
Beryllium	Hexachlorocyclohexanes
Bis (chloromethyl) ether	Hydrazine
1,3-Butadiene	Methylene chloride (Dichloromethane)
Cadmium	Nickel and nickel compounds
Cadmium compounds	N-Nitrosodiethylamine
Carbon tetrachloride	N-Nitrosodimethylamine
Chlorinated dibenzo-p-dioxins	p-Nitrosodiphenylamine
(as 2, 3, 7, 8 - equivalents)	N-Nitrosodi-n-butylamine
Chlorinated dibenzofurans	N-Nitrosomethylethylamine
(as 2, 3, 7, 8 - equivalents)	N-Nitrosodi-n-propylamine
Chloroform	N-Nitrosopyrrolidine
Chlorophenols	PCBs (Polychlorinated biphenyls)
Pentachlorophenol	PAHs (Polycyclic aromatic hydrocarbons)
2, 4, 6 - Trichlorophenol	including, but not limited to:
Chloroprene	Benz[a]anthracene
Chromium (hexavalent)	Benzo[b]fluoranthene
Coke oven emissions	Benzo[k]fluoranthene
1, 2 - Dibromo -3- chloropropane (DBCP)	Benzo[a]pyrene
p-Dichlorobenzene	Dibenz[a,h]anthracene
(1, 4 - Dichlorobenzene)	Indeno[1,2,3-cd]pyrene
3,3' - Dichlorobenzidine	Perchloroethylene (Tetrachloroethylene)
Di (2 -ethyhexyl) phthalate (DEHP)	Propylene oxide
1, 4 - Dioxane	Trichloroethylene
Dioxins (chlorinated)	Urethane
(see chlorinated dibenzo-p-dioxins)	Vinyl chloride
Epichlorohydrin	

- a. Unit Risk Values shall be obtained from the CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October 1993 or any health risk assessment guidelines adopted by the state Office of Environmental Health Hazard Assessment (OEHHA), pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program), that replace all or part of such CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October 1993.

Table II

Toxic Air Contaminants With Potential Chronic Noncancer Impacts^a

Substance	Substance
Acetaldehyde	Epichlorohydrin
Acrolein	Ethyl acrylate
Acrylamide	Ethyl chloride
Acrylonitrile	Ethylene Dibromide (1, 2 - Dibromoethane)
Ammonia	Ethylene Dichloride (1, 2 - Dichloroethane)
Arsenic	Ethylene glycol butyl ether
Benzene	Ethylene glycol monethylether
Benzidine (and its salts)	Ethylene glycol ethyl ether acetate
Benzyl chloride	Ethylene glycol methyl ether
Beryllium	Ethylene glycol methyl ether acetate
Bromine	Ethylene oxide
Bromine compounds	Formaldehyde
Hydrogen bromide	gamma-Hexachlorocyclohexane
Bromine pentafluoride	Gasoline vapors
Cadmium	Glutaraldehyde
Carbon tetrachloride	Hexachlorobenzene
Chlorinated dibenzo-p-dioxins	Hexachlorocyclopentadiene
(as 2, 3, 7, 8 - equivalents)	Hydrazine
Chlorinated dibenzofurans	Hydrochloric acid
(as 2, 3, 7, 8 - equivalents)	Hydrogen cyanide
Chlorine	Hydrogen fluoride
Chlorobenzene (monochlorobenzene)	Hydrogen sulfide
Chlorofluorocarbons	Isocyanates
Chloroform	Toluene-2, 4-diisocyanate
Chlorophenols	Toluene-2, 6-diisocyanate
2-Chlorophenol	Methyl isocyanate
Pentachlorophenol	Lead and compounds
Tetrachlorophenols	Maleic anhydride
Chloropicrin	Manganese and compounds
Chloroprene	Mercury and compounds (inorganic)
Chromium (hexavalent)	Methanol
Copper	Methyl bromide
Cresols (o, m, p)	Methyl chloroform (1, 1, 1 - TCA)
Dibenzodioxins (chlorinated)	Methylene chloride
(see chlorinated dibenzo-p-dioxins)	4, 4' - Methylene dianiline (and its dichloride)
Dibenzodioxins (chlorinated)	Methyl mercury
(see chlorinated dibenzofurans)	methyl methacrylate
1, 2 - Dibromo-3-chloropropane (DBCP)	Mineral fibers (< 1% free silica)
p - Dichlorobenzene (1, 4 - Dichlorobenzene)	Naphthalene
1, 4 - Dioxane	Nickel and nickel compounds
Di(2-ethylhexyl) phthalate	Nitrobenzene
Dimethylamine	2 - Nitropropane

Table II - continued

Toxic Air Contaminants With Potential Chronic Noncancer Impacts^a

Substance	Substance
Ozone	Sodium hydroxide
Perchloroethylene (Tetrachloroethylene)	Styrene
Phenol	Sulfates
Phosphine	Toluene
Phosphorous (white)	Trichloroethylene
Phthalic anhydride	Vinyl chloride
PCBs (Polychlorinated biphenyls)	Vinylidene chloride
Propylene oxide	Xylenes
Selenium compounds	Zinc compounds

Table III

Toxic Air Contaminants With Potential Acute Noncancer Impacts^a

Chemical	Chemical
Ammonia	Hydrogen fluoride
Acrolein	Hydrogen sulfide
Arsine	Maleic anhydride
Benzyl chloride	Mercury (inorganic)
Carbon tetrachloride	Methyl chloroform
Chlorine	Methylene chloride
Copper and compounds	Nickel compounds
1, 4 - Dioxane	Ozone
Ethylene glycol methyl ether	Perchloroethylene (Tetrachloroethylene)
Ethylene glycol ethyl ether	Phosgene
Ethylene glycol monoethyl ether acetate	Propylene oxide
Ethylene glycol monobutyl ether	Selenium
Formaldehyde	Sodium hydroxide
Hydrochloric acid	Sulfates
Hydrogen cyanide	Xylenes

- a. Reference Exposure Levels and toxic endpoint information shall be obtained from the CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October 1993 or any health risk assessment guidelines adopted by the state Office of Environmental Health Hazard Assessment (OEHHA), pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program), that replace all or part of such CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October 1993.

IT IS FURTHER RESOLVED AND ORDERED that the subject addition of Rule 1210, to Regulation XII, shall take effect upon adoption.

PASSED AND ADOPTED by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 12th day of June, 1996 by the following votes:

AYES: Cox, Jacob, Slater, Roberts, Horn

STATE OF CALIFORNIA)_{ss}
County of San Diego)

I hereby certify that the foregoing is a full, true, and correct copy of the Original Resolution which is now on file in my office.

ARLINE S. HULTSCH
Assistant Clerk of the Air Pollution Control Board

By L. Monteleone
Lorena Loaiza Monteleone, Deputy

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

Dutton
DEPUTY



Resolution No. 96-164
6/12/96 (APCB 2)

FINDINGS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL BOARD
IN RESPECT TO ADOPTION OF NEW RULE 1210
(TOXIC AIR CONTAMINANT PUBLIC HEALTH RISKS -
PUBLIC NOTIFICATION AND RISK REDUCTION)

- A. Pursuant to section 40727 of the Health and Safety Code, the Air Pollution Control Board of the San Diego County Air Pollution Control District makes the following findings:
1. (Necessity) The adoption of Rule 1210 is necessary to specify the requirements and procedures for notifying exposed persons regarding the results of health risk assessments which indicate a significant health risk associated with toxic air contaminant emissions from a facility, and conducting an air toxic risk reduction audit and developing and implementing a plan of air toxic risk reduction measures.
 2. (Authority) Adoption of the new rule is authorized by California Health and Safety Code sections 40001, 40702, 44362 and 44391.
 3. (Clarity) The new rule is written so that its meaning can be easily understood by persons directly affected by it.
 4. (Consistency) The new rule is in harmony with, and not in conflict with or contrary to, existing statutes, court decisions, and State law and Federal regulations.
 5. (Nonduplication) The new rule does not impose the same requirements as an existing state or federal regulation.
 6. (Reference) The new rule makes specific the requirements and procedures for notifying exposed persons regarding the results of health risk assessments which indicate a significant health risk associated with toxic air contaminant emissions from a facility, and conducting an air toxic risk reduction audit and developing and implementing a plan of air toxic risk reduction measures, as required by Health and Safety Code sections 44362 and 44391.
- B. The Air Pollution Control Board further finds that the new rule will not significantly affect air quality or emissions limitations, and therefore an assessment of socioeconomic impacts of the proposed action was not required by Health and Safety Code section 40728.5.
- C. The Air Pollution Control Board further finds that there is no reasonable possibility that adoption of the proposed new Rule 1210 may have a significant effect on the environment, and that adoption of the proposed new Rule 1210 is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, title 14, sections 15300 and 15308, as an action taken to assure the protection of the environment which will not have a significant effect on the environment and where the regulatory process involves procedures for protection of the environment.
- D. The Air Pollution Control Board further finds in accordance with Health and Safety Code section 40001 that the adoption of the proposed new rule alleviates a problem in that it will make specific the requirements and procedures for notifying exposed persons regarding the results of health risk assessments which indicate a significant health risk associated with toxic air contaminant emissions from a facility, and for conducting an air toxic risk reduction audit and developing and implementing a plan of air toxic risk reduction measures.

APCB Meeting 6/12/96
Agenda Item #2

Document No. 765440 765193A

FILED

Board of Supervisors

THOMAS JASTUSZKA

Clerk of the Board of Supervisors

By LaDonna A. Engel
DEPUTY

Exhibit D

U.S. ENVIRONMENTAL PROTECTION AGENCY EPA ASSISTANCE AGREEMENT / AMENDMENT PART I - ASSISTANCE NOTIFICATION INFORMATION						1. ASSISTANCE IS NO. A 000089-08-0		2. LOG NUMBER 08-A-018		
						3. DATE OF AWARD 4-25-96		4. MAILING DATE 5-2-96		
5. AGREEMENT TYPE						6. PAYMENT METHOD				
Cooperative Agreement <input checked="" type="checkbox"/> Grant Agreement <input type="checkbox"/> Assistance Amendment <input type="checkbox"/>						Advance <input type="checkbox"/> Reimbursement <input checked="" type="checkbox"/> AAW Number 0828				
Send Payment Request to						7. TYPE OF ACTION CONTINUATION				
N/A										
R E C I P I E N T O R G E P A C O N T A C T	8. RECIPIENT SAN DIEGO COUNTY APCD 9150 CHESAPEAKE DRIVE SAN DIEGO, CA 92123					9. PAYEE SAME AS ITEM 8.				
	EIN NO. 958000834		CONGRESSIONAL DISTRICT 41 42 43			10. RECIPIENT TYPE SUBSTATE, SPECIAL PURPOSE DIST				
	11. PROJECT MANAGER AND TELEPHONE NO. HUNTER, ALISON (619) 694-3228					12. CONSULTANT (WWT Construction Grants only) N/A				
	13. ISSUING OFFICE (CITY / STATE) OFFICE OF POLICY AND MANAGEMENT U.S. EPA, REGION 9 GRANTS MANAGEMENT SECTION, P-4-4 75 HAWTHORNE STREET SAN FRANCISCO, CA 94105					14. EPA PROJECT / STATE OFFICER AND TELEPHONE NO. AMARO, LAURIE, EPA PROJECT OFFICER 75 HAWTHORNE STREET SAN FRANCISCO, CA 94105 (415) 744-1247 JOHANSEN, JUDY GRANTS SPECIALIST (415) 744-1691				
	15. EPA CONGRESSIONAL LIAISON & PHONE BARBARA BROOKS, (202) 260-5660		16. STATE APPL ID (Clearinghouse) 96001084		17. SCIENCE FIELD NA		18. PROJECT STEP (WWT Construction Grants Only) N/A			
19. STATUTORY AUTHORITY CLEAN AIR ACT; SEC. 105		20. REGULATORY AUTHORITY 40 CFR PART 91		21. STEP 2 + 3 & STEP 3 (WWT Construction Grants Only)						
					a. Treatment Level					
					b. Project Type					
					c. Treatment Process					
					d. Other Project					
22. PROJECT TITLE AND DESCRIPTION SECTION 105 - AIR POLLUTION CONTROL PROGRAM										
THIS PROVIDES \$1,174,249 WHICH CONSISTS OF \$84,000 UNOBLIGATED FUNDS FROM FY-95 AND \$1,110,249 OF FY-96 FUNDS. ADDITIONAL FUNDING IS CONTINGENT UPON FEDERAL APPROPRIATIONS FOR FY-96.										
23. PROJECT LOCATION (Arms Imposed by Project)										
City / Place ALL		County SAN DIEGO		State CA		Congressional District 41 42 43				
24. ASSISTANCE PROGRAM (CFAA Program No. & Title) 08.001 Air Pollution Control Program Support				25. PROJECT PERIOD 10/01/95 - 09/30/96		26. BUDGET PERIOD 10/01/95 - 09/30/96				
27. COMMUNITY POPULATION (WWT Construction Grants Only) N/A		28. TOTAL BUDGET PERIOD COST \$16,369,713				29. TOTAL PROJECT PERIOD COST \$16,369,713				
FUNDS		FORMER AWARD		THIS ACTION		AMENDED TOTAL				
30. EPA Award This Action		\$0		\$1,110,249						
31. EPA In-Kind Amount		0		0						
32. Unexpended Prior Year Balance		0		84,000						
33. Other Federal Funds		0		0						
34. Recipient Contribution		0		14,255,362						
35. State Contribution		0		570,000						
36. Local Contribution		0		0						
37. Other Contribution		0		0						
Allowable Project Cost		\$0		\$16,999,631						
F I S C A L	Site Name	Document Control Number	FY	Approp.	Budget Organization	Program Element	Object Class	Site/Project	Cost Organization	Obligation / Deb obligation
	(See continuation page)									

30. FISCAL (continued)

Site Name	DCN	FY	Approp.	Budget Organization	Program Element	Object Class	Site/Project	Cost Organization	Obligation/ Deobligation
01)	AAG017	96	E	0902	E17	41.12			370,089
02)	AAG013	96	E	09X2	E17	41.12			740,166
					TOTAL:				1,110,246

PART II - APPROVED BUDGET

ASSISTANCE IDENTIFICATION: A 999999-00-0

Page 3 of 6

TABLE A - OBJECT CLASS CATEGORY (Non-construction)		TOTAL APPROVED ALLOWABLE BUDGET PERIOD COST
PERSONNEL		\$8,540,124
FRINGE BENEFITS		2,221,258
3. TRAVEL		63,808
4. EQUIPMENT		559,400
5. SUPPLIES		786,189
6. CONTRACTUAL		5,141,613
7. CONSTRUCTION		0
8. OTHER		1,087,323
9. TOTAL DIRECT CHARGES		\$16,369,713
10. INDIRECT COSTS: RATE % BASE		0
11. TOTAL (Share: Recipient 0.00% Federal 0.00%)		\$16,369,713
12. TOTAL APPROVED ASSISTANCE AMOUNT		\$1,174,249
TABLE B - PROGRAM ELEMENT CLASSIFICATION (Non-construction)		
1. THE APPROVED BUDGET INCLUDES		\$0
2. NONFEDERAL NONRECURRENT		0
3. EXPENDITURES FOR EQUIPMENT		0
4. IN THE AMOUNT OF \$22,200.		0
5.		0
6.		0
7.		0
8.		0
9.		0
10.		0
11.		0
12. TOTAL (Share: Recipient 0.00% Federal 0.00%)		\$0
13. TOTAL APPROVED ASSISTANCE AMOUNT		\$0
TABLE C - PROGRAM ELEMENT CLASSIFICATION (Construction)		
1. ADMINISTRATION EXPENSE		
2. PRELIMINARY EXPENSE		
3. LAND STRUCTURES, RIGHT-OF-WAY		
4. ARCHITECTURAL ENGINEERING BASIC FEES		
5. OTHER ARCHITECTURAL ENGINEERING FEES		
6. PROJECT INSPECTION FEES		
7. LAND DEVELOPMENT		
8. RELOCATION EXPENSE		
9. RELOCATION PAYMENTS TO INDIVIDUALS AND BUSINESS		
10. DEMOLITION AND REMOVAL		
11. CONSTRUCTION AND PROJECT IMPROVEMENT		
12. EQUIPMENT		
13. MISCELLANEOUS		
14. TOTAL (Lines 1 thru 13)		
15. ESTIMATED INCOME (if applicable)		
16. NET PROJECT AMOUNT (Line 14 minus 15)		
17. LESS: INELIGIBLE EXCLUSIONS		
18. ADD: CONTINGENCIES		
19. TOTAL (Share: Recipient _____% Federal _____%)		
20. TOTAL APPROVED ASSISTANCE AMOUNT		

TERMS AND CONDITIONS

1. The final Financial Status Report (FSR), Standard Form 269A (Rev. 4/89), for this award shall be submitted to the Grants Management Section, P-4-4, within 90 days after the end of the budget period (40 CFR Part 31.23(b)).
2. Single Audit Act reports shall be prepared and submitted in accordance with paragraph 13 of OMB Circular A-128. The audit report copy for EPA shall be sent to: EPA, Office of the Inspector General, Western Division, 75 Hawthorne Street, San Francisco, California 94105.
3. The recipient agrees to complete and submit to the Grants Management Section, P-4-4, a MBE/WBE Utilization Report (Standard Form 334), within 30 days after the end of the Federal fiscal year, i.e., by October 30 of each calendar year. Negative reports are required. Recipients will disregard the reference to \$10,000 in Section D of the instructions for Standard Form 334 (see footnote at the bottom of page 1 of the instructions).
4. The recipient must ensure to the fullest extent possible that at least 8% (8% = MBE/2% = WBE) of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and historically black colleges and universities.

The recipient agrees to include in its bid documents an 8% (8% = MBE/2% = WBE) "Fair Share" percentage and require all of its prime contractors to include in their bid documents for subcontracts an 8% (8% = MBE/2% = WBE) "Fair Share" percentage.

To evaluate compliance with the "Fair Share" policy, the recipient also agrees to comply with the six affirmative steps stated in 40 CFR Section 33.240, Section 31.36(e), or Section 35.6580(a), as appropriate.

5. If a recipient awards a contract under an assistance agreement, the recipient agrees and is required to utilize the following affirmative steps:
 - a. Placing Small Businesses in Rural Areas (SBRA's) on solicitation lists;
 - b. Ensuring that SBRA's are solicited whenever they are potential sources;
 - c. Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by SBRA's;
 - d. Establishing delivery schedules, where the requirements of work will permit, which would encourage participation by SBRA's;
 - e. Using the services of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce, as appropriate; and
 - f. Requiring the contractor, if it awards subcontracts, to take the affirmative

steps in subparagraphs a. through e. of this condition.

6. The cost principles of OMB Circular A-87 are applicable to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.
7. Pursuant to EPA Order 1000.25, dated January 24, 1990, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to Standard Forms. These forms are printed on recycled paper as available through the General Services Administration.
8. Effective October 1, 1994, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the Hotel and Motel Fire Safety Act of 1990.
9. Automated Clearing House (ACH) Payment System financing shall be the payment mechanism for this Assistance Agreement. The recipient agrees to:
 - (a) Initiate cash drawdowns only when actually needed for disbursements;
 - (b) Report cash disbursements and balances in a timely manner as required by the Automated Clearing House Payment System Users Manual; and
 - (c) Impose the same standards of timing and amount upon secondary recipients (e.g., contractors), including the furnishing of reports of cash disbursements.

Failure to comply with these requirements may cause the unobligated portion of the Automated Clearing House Payment System to be revoked by EPA and the financing method changed to a reimbursable basis.

10. Payment to consultants. Per 40 CFR Part 31.36(j), EPA will limit its participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors to the maximum daily rate for a GS-18, to be adjusted annually. Subagreements with firms for services which are awarded using the procurement requirements in this part are not affected by this limitation.
11. San Diego APCD's CAA Title V Operating Permit Program is effective on February 2, 1996. As of February 2, 1996, SDAPCD may no longer use Clean Air Act Title 106 funding for activities included in the approved Title V program.
12. San Diego APCD shall revise their Quality Assurance Program Plan per comments and recommendations from US EPA, Air Quality Section staff no later than June 30, 1996.

SPECIAL CONDITIONS (continued)

PART IV

NOTE: The Agreement must be completed in duplicate and the Original returned to the Grants Administration Division for Headquarters awards and to the appropriate Grants Administration Office for State and local awards within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.

OFFER AND ACCEPTANCE

The United States of America, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers assistance/amendment to the SAN DIEGO COUNTY APCD for 0.00 % of all approved costs incurred up to and not exceeding \$ 1,174,249 for the support of approved budget period effort described in application (including all application modifications) cited in Item 22 of this Agreement.

08/08/85 SECTION 105 - AIR POLLUTION CONTROL PROGRAM, included herein by reference.

DATE AND TITLE

ISSUING OFFICE (Grants Administration Office)

ORGANIZATION / ADDRESS

U.S. EPA, REGION 9
GRANTS MANAGEMENT SECTION, P-4-4
75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

AWARD APPROVAL OFFICE

ORGANIZATION / ADDRESS

U.S. EPA, REGION 9
AIR & TOXICS DIVISION, A-1
75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL

TYPED NAME AND TITLE

DAVID P. HOWEKAMP

DATE

APR 25 1996

DIRECTOR, AIR & TOXICS DIVISION

This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter I, Subchapter B and of the provisions of this agreement (Parts I thru IV), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

R. J. SOMMERVILLE

DATE

AIR POLLUTION CONTROL OFFICER

APR 27, 1996

**U.S. ENVIRONMENTAL PROTECTION AGENCY
ASSISTANCE AMENDMENT
(Optional)**

**ASSISTANCE ID NO.
A 600000-00-2
AMENDMENT NO.
2**

NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters assistance awards and to the Grants Administration Branches for State and local assistance awards within 8 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Assistance Amendment by the parties thereto. Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of consideration of the Assistance Amendment by EPA.

GENERAL INFORMATION

APPROPRIATION AND ACCOUNTING DATA

Site Name	Document Control Number	FY	Approp.	Budget Organization	Program Element	Cost Class	Site/Project	Cost Organization	Obligation/Deobligation
01)	AA0000	00	00	00000	017	41.12			(04,000)

DESCRIPTION OF AMENDMENT PURSUANT TO EPA ASSISTANCE REGULATION 40 CFR 24.702, THE ABOVE NUMBER ASSISTANCE AGREEMENT IS AMENDED AS FOLLOWS:

FY-00 AIR POLLUTION CONTROL PROGRAM (100)

This amendment decreases the FY-00 EPA assistance amount by \$04,000, based on the final Financial Status Report (FSR), dated December 12, 1995. The unobligated funds will be carried forward to FY-00 via 0A-000000-00. The Maintenance of Effort (MOE) for FY-00 is \$10,344,700.

TOTAL PROJECT PERIOD COSTS:	012,182,000	TOTAL BUDGET PERIOD COSTS:	012,182,000
FUNDS:	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount.....	01,240,000	0(04,000)	01,176,000
EPA In-Kind Amount.....	00	00	00
Unexpended Prior Year Balance.....	0100,700	00	0100,700
Other Federal Funds.....	00	00	00
Recipient Contribution.....	00,000,100	01,001,400	00,000,010
State Contribution.....	0000,000	00	0000,000
Local Contribution.....	00	00	00
Other Contribution.....	00	00	00
Allowable Project Cost.....	010,714,400	01,137,400	012,182,000

METHOD OF PAYMENT: ACH Number: 9000 EIN: 000000000

AWARD APPROVAL OFFICE

ORGANIZATION
U.S. EPA, REGION 9
ADDRESS
AIR & TOXICS DIVISION
76 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

RECIPIENT OFFICE

ORGANIZATION
U.S. EPA, REGION 9
ADDRESS
GRANTS MANAGEMENT SECTION
76 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

RECIPIENT ORGANIZATION

NAME
SAN DIEGO COUNTY APCD

ADDRESS
0100 CHEESAPEAKE DRIVE
SAN DIEGO, CA 92100

Except as provided herein all terms and conditions of the basic assistance agreement, including prior amendments, remain unchanged and in full force and effect and subject to all applicable provisions of 40 CFR Chapter 1, Subchapter B.

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL *David P. Howskamp* **TYPED NAME AND TITLE** DAVID P. HOWSKAMP **DATE** APR 25 1996
DIRECTOR, AIR & TOXICS DIVISION

SIGNATURE *K. J. Schriener* **BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION** **TYPED NAME AND TITLE** K. J. SCHRIENER **DATE** May 1, 96
AIR POLLUTION CONTROL OFFICER